

Meeting of 2006-8-22 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
AUGUST 22, 2006 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John Purcell, Jr. Also Present:
Presiding Larry Mitchell, City Manager
 John Vincent, City Attorney
 Traci Hushbeck, City Clerk
COL Sonny Uberti, Fort Sill Liaison (Arrived @ 6:26 p.m.)

Mayor Purcell called the meeting to order at 6:06 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Kevin McCurdy, Westwood Baptist Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bill Shoemate, Ward One
Rex Givens, Ward Two
 Janice Drewry, Ward Three
 Keith Jackson, Ward Four
Robert Shanklin, Ward Five
 Jeff Patton, Ward Six
 Stanley Haywood, Ward Seven
 Randy Warren, Ward Eight

ABSENT: None

PRESENTATION OF CITIZEN OF THE MONTH TO COLETTA FUNKHOUSER.

Sharon Means, Mayor s Commission on the Status of Women, introduced commission member Helen May Zoe, who presented the award for the Citizen of the Month for August to Colletta Funkhouser.

Mayor Purcell presented a Certificate of Congratulations from the State of Oklahoma, and a Certificate of Commendation from the Mayor s Office.

PRESENTATION OF EMPLOYEE OF THE MONTH TO JOHN PAUL CUTTY, TELECOMMUNICATOR IN THE EMERGENCY COMMUNICATIONS DIVISION OF THE POLICE DEPARTMENT.

Derrell Morgan, Emergency Management/Emergency Communications Supervisor, played an E-911 call from Robin Harbolt, whose infant son had stopped breathing. He stated John Paul Cutty took that call and helped her go through the CPR to get the baby breathing.

Mayor Purcell presented the Mayor s Award of Commendation, a plaque, two days of nonchargable leave, script money from Chamber merchants and a Mayor s Do What s Right coin.

AUDIENCE PARTICIPATION: None

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF JUNE 13 AND JULY 25, 2006.

MOVED by Warren. SECOND by Givens, to approve the Minutes of June 13 and July 25, 2006. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

CONSENT AGENDA: The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

Mayor Purcell stated item #2 needs to be considered separately. Shanklin requested items #6 and #10 be considered separately.

MOVED by Shanklin. SECOND by Patton, to approve the Consent Agenda items as recommended with the exception of items #2, #6 and #10. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: Centenary United Methodist Church in the amount of \$620.76. Exhibits: Legal Opinions/Recommendations, Resolution No. ____.

2. Consider the following damage claims as recommended for denial: Luvenia Ballance in the amount of \$220.00. Exhibits: Legal Opinions/Recommendations.

Vincent stated the water division was out in the city right of way repairing a water line and as a result, Ms. Ballance s sprinkler system was damaged. All damages occurred in the right of way. He stated he did visit with Ms. Balance prior to the City Council meeting.

Luvenie Ballance, stated she is requesting that the City Council consider repairing her sprinkler. She does not understand why she is being denied.

Vincent stated her sprinkler system is in the city right of way and all of the damages and work occurred in the right of way.

Ms. Ballance stated she does not understand why it cannot be fixed if the city damaged it.

Vincent stated when an item is placed on city property, it is placed there at the owners risk.

Haywood asked if Ms. Ballance called her City Councilor.

Ms. Ballance stated no.

Mayor Purcell stated everyone on the City Council would like to take care of this but the City Codes stated that they do not reimburse.

Shanklin stated he would like to pay this because this code comes from the 1907 statute when they didn't even have sprinkler systems. He stated we are the insurers for the citizens of Lawton. They are not the enemy. He stated Ms. Balance's yard is nice and she takes care of her yard.

MOVED by Shanklin, SECOND by Haywood, to approve the damage claim of Luvenia Ballance in the amount of \$220.00. AYE: Jackson, Shanklin, Haywood, Givens, Drewry. NAY: Patton, Warren, Shoemate. MOTION CARRIED.

Mayor Purcell stated they have denied these claims time and time again and now they have approved one. They have got to be consistent.

Shanklin stated they have paid these in the past, it just depends on the make up of the City Council.

Vincent stated they have paid these until the City Council on April 27, 2005, in conjunction with the assistance of the other utility companies, passed City Council Policy 5-3 and Council directed city staff to go out and take pictures and have the area surveyed at that time. If the damage was in the easement, and all the work occurred in the easement, he was instructed to recommend denial of the claims.

Mayor Purcell questioned what direction the City Council wanted to give the City Attorney in regards to changing the policy. They need to be consistent.

Patton stated the citizens are not the enemies, but there is something to be said if you put something in the easement or the right of way. They do that at their own risk.

Vincent stated they have applied these same rules for revocable permits.

Shanklin stated he considers this very different if they are maintaining the front of the house and using the city's water. It has been his position for twenty years that we should handle this.

Jackson stated he believes the City Attorney should do what he has been instructed to do by the City Council which is interpret the situation as to city policy and State Statutes and make the recommendation to the City Council. It is up to the prerogative of the City Council to see how they fit.

Mayor Purcell stated the problem they have now is inconsistency. One person comes to one meeting and they deny it and another comes to a meeting and it is approve. It is not fair to those who are denied. They need to approve them all or deny them all. He feels they need to give the City Attorney some direction.

Shoemate stated he feels they are wasting the City Attorney's time if he is going to recommend how the City Council should vote according to the City Code. The only thing they have to go by are the codes. Sometimes it hurts to vote a certain way, because inside they want to reach out because they are our people.

Haywood stated that not everyone has curbs and gutters. The water meter may be up to the porch. That is not fair for those in certain areas. If they want to put in a sprinkler system they can't because of the way it is written up.

Shanklin suggested the City Attorney bring something back.

Mayor Purcell questioned if the City Council wants to pay all of these. They have to make a recommendation or the City Attorney will spend hours changing the ordinance and they will say no.

Vincent suggested he put Council Policy 5-3 on the agenda for discussion as it currently exists.

3. Consider releasing the mowing and clearing lien and the boarding and securing lien against the property located at 1410 NW Kingsbury Avenue. Exhibits: Request letter.

4. Consider approving contracts with Karl Waldbauer of The Polka Kings, Lori Young of Brave Combo, Carlos Guedes of Carlos Guedes Trio, Larry Johnson of Dallas Czech Orchestra, Christy McLeod of Beyond the Pale, Dobbie Potter of ZAP! Zany Arts Players, and Andrew Chobany of the Ukrainian American Society of Texas as performers at the 2006 International Festival and authorize the Mayor and City Clerk to execute the agreements. Exhibits: Contracts on file in City Clerk's office.

5. Consider setting a public hearing on September 26, 2006 at 6 o'clock pm in the City Council Chambers to hear any comments for or against the annexation of approximately 160 acres of land located in Southeast Quarter of the East Half of Section 2, Township 1 North, Range 13 West, Comanche County, Oklahoma, into City Limits. Exhibits: Request for Annexation, Location Map and Notice of Public Hearing

6. Consider authorizing a Resolution of Necessity for real property acquisition for the West Cache Road 24 Waterline Phase II Project #2005-8. Exhibits: Resolution 06-__ and Location Map.

Shanklin questioned if this was at the 67th Street water tower.

Mitchell stated yes. It is at the end of Atlanta.

Shanklin questioned if we have ever gone to court to determine who owns the alley off of 67th Street to the water tower and Southwestern Bell. Do we assume one individual owns it and we have never challenged it.

Vincent stated the City of Lawton has not gone to court that he is aware of. He has been told that Southwestern Bell did go to court and they did lose.

Shanklin questioned if they will have to buy this property from one individual.

Jerry Ihler, Public Works Director, stated it is four pieces of property and three owners.

Shanklin stated he does not see how someone can own one of our alleys.

Ihler stated these pieces of property are from Hunter Road going back east to the roadway that Mr. Shanklin is talking about.

Shanklin questioned if it was necessary to pass this item tonight. He would like to postpone this to see if we really have any recourse before we jump out there.

Jackson stated they have to know who owns it before they even start the process.

Ihler stated they have gone out and visited with some of the property owners and they know that they will probably not come to a conclusion that they all will agree on. This affords them the opportunity to move forward and start the process of condemnation with several of the property owners.

Shanklin stated he does not believe someone can own an alley.

Vincent stated he does not know how the pavement got there.

Shanklin questioned the house on the alley.

Vincent stated he does not know anything about it.

Shanklin questioned if it would bother anyone to table this for two weeks.

Ihler stated they can go ahead and do the research on those pieces of property.

MOVED by Shanklin, SECOND by Haywood, to table for two weeks. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

7. Consider approving the annual extension of the sales and use tax agreements with the Oklahoma Tax Commission. Exhibits: Sales Tax agreement, Use Tax agreement, Rider Agreement.

8. Consider accepting a Public Access Computer Hardware Upgrade Grant of \$5,952.00 from the Bill and Melinda Gates Foundation through the Oklahoma Department of Libraries. Exhibits: Copies of the contracts are on file in the City Clerk's office.

9. Consider approving the record plat for the Replat of Lots 2 and 7, Block 1, Lawton Industrial Park, Part 1. Exhibits: Plat Map.

10. Consider extending the contract (RFPCL05-006) Lease of Office Facilities for Housing & Community Development with Kent Waller of Lawton, OK. Exhibits: Department Recommendation, Contract Extension Form

Shanklin questioned the amount of the rent. It is not in the background.

Mitchell stated it was in the Housing and Community Development budget. He thinks it was about \$7,000 - \$7,500 a year. He stated he can verify that information.

MOVED by Shanklin, SECOND by Drewry, to approve extending the contract (RFPCL05-006) Lease of Office Facilities for Housing & Community Development with Kent Waller of Lawton, OK. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

11. Consider awarding (CL06-062) Water Pipes and Fittings to Pioneer Supply of Moore, Oklahoma: 1, 5, 6 a-c, 7 a-b, 8b, 10 a-c, 11 a-b, 12 a-k, 13 a-d, 16, 8 a-d, 19 a-c, 20 a-d, and Water Products of Oklahoma, Inc., of Owasso, Oklahoma should be awarded items 2-4, 8 a & c-f, 9 a-d, 14 a-d, 15 a-d, 17. Exhibits: department recommendation, abstract of bids.

12. Consider extending the contract (CL06-014) Ninety-five (95) Gallon Refuse Containers with Schaefer Systems International, Inc. of Charlotte, NC. Exhibits: Department Recommendation, Contract Extension Form.

13. Consider awarding (CL06-065) Water Meters, Parts & Repairs: Section A, Water Meters, Items 1-13; Section C, Water Meter Parts, Items 1-13 & 15-20; Section D, Repair of Meters (MMP Program), Items 1-7 to Sensus Metering Systems of Pittsburgh, PA, and Section C, Water Meter Parts, Item 14, Section B, Water Meter Boxes & Lids, Items 1-7 to Water Products of Oklahoma, Inc. of Owasso, OK. Exhibits: department recommendation, abstract of bids.

14. Consider extending the contract (RFPCL05-003) City Employee Accidental Death Insurance with Aon Consulting of Tulsa, OK. Exhibits: Department Recommendation, Contract Extension Form.

15. Consider extending the contract (RFPCL06-004) Copier Contract with Bennett Office Equipment of Lawton, OK. Exhibits: Department Recommendation, Contract Extension Form.

16. Consider extending the contract (CL06-007) Degreaser with Mid-American Research Chemical Corporation of Windthorst, TX. Exhibits: Department Recommendation, Contract Extension Form.

17. Consider extending the contract (CL06-008) Root Control with Mid-American Research Chemical Corporation of Windthorst, TX. Exhibits: Department Recommendation, Contract Extension Form.

18. Consider approving appointments to boards and commissions. Exhibits: None

19. Consider approval of payroll for the period of July 31 August 13, 2006. Exhibits: None.

BUSINESS ITEMS:

20. Hold a public hearing and consider a resolution amending the 2025 Land Use Plan from Residential/High Density and Commercial to Residential/Low Density and an ordinance changing the zoning from A-1 (General Agricultural District) to R-1 (Single-Family Dwelling District) and C-1 (Local Commercial District) zoning classification located at the northwest corner of NE 45th Street and NE Cache Road. Exhibits: Resolution 06-___ (as requested), Resolution 06-___ (CPC recommendation), Ordinance 06-___ (as requested), Ordinance 06-___ (CPC recommendation), Location Map, Applications and CPC Minutes.

Richard Rogalski, Planning Director, stated this request includes approximately 26 acres to be zoned R-1 and approximately 4 acres to be zoned C-1. The applicants are Keegan and Bonnie Ledford.

Rogalski stated the zoning of the surrounding area is A-1 to the north and south, Temporary A-2 (Suburban District) to the east, and R-3 (Multiple-Family Dwelling District) to the west. The land use of the surrounding area is agricultural to the north, vacant to the south, and single-family residential to the east and west. The current land use is vacant except for a telecommunication tower in the area requested to be zoned C-1. The

northwest corner of NE 45th Street and NE Cache Road followed the node concept of the 2025 Land Use Plan: Commercial at the corner surrounded by Residential/High Density. The area requested for R-1 zoning requires amending the 2025 Land Use Plan for the zoning to be in conformance with the land use plan. The area requested for C-1 zoning will remain Commercial in the land use plan. The applicant also plans to develop the R-3 tract to the west as part of a single-family residential development. The applicant has no immediate plans for C-1 at the corner of NE 45th Street and Cache Road but said in the future a convenience store may be built.

Rogalski stated the area is included in Buffer #2 as established in Resolution No. 05-179 which adopted the buffer zones to prevent or lessen encroachments on the perimeter of Fort Sill. The applicant has said he will construct his buildings in accordance with the criteria for building houses in a noise area.

On July 27, 2006, the City Planning Commission held a public hearing on this request. During the public hearing two persons spoke against the request, one of whom represented himself and another property owner in Quail Run, and one person spoke in favor of the request. The CPC, by a 7 - 0 vote, recommended R-1 zoning for all of the requested area. Members of the CPC did not believe there is a need for C-1 zoning at this time at this location, as there is existing C-3 zoning in the area.

Mayor Purcell questioned why the CPC did not want to rezone the area on the corner as commercial.

Rogalski stated there was public input that was against that commercial zoning. They felt it was not warranted and there was ample property already commercially zoned. He stated staff recommended approval because it is on the land use plan. He stated the applicant did plan for this to be a commercial corner and that is why it is leased to a cell tower.

Warren stated he keeps getting this feeling that this discussion took place 50 or 60 years ago about west Cache Road and 38th Street. There is no way that east Cache Road is going to be as busy as west Cache Road, but it is going to be a busy corner. He does not understand why the CPC would, on one hand, leave 38th & Cache alone, but they are going to go east and create the same problem.

Rogalski stated it is a little different in this area because there is no place to go to the north and Cache Road does not go on to the east. Flowermound and Gore are much more intensive corners. This little four acre tract is more for a convenience store. He felt the issues expressed by the public tilted the CPC towards denial.

Warren stated he does not know what the people on the east side expect. They want to grow and get bigger.

Jackson stated that they don't want to go out there and build a bunch of houses and assume this will always stay R-1 and then a C-1 corner pops up. He thinks Mr. Ledford's future planning is proper in asking that in the future this needs to be a commercial corner. He would recommend that the City Council allow the C-1 zoning on this corner.

Patton stated he agreed. If they are going to do this they might as well do it now before it is all developed.

PUBLIC HEARING OPENED.

Keegan Ledford, 3802 NE Cache Road, stated he did not attend the CPC meeting. He stated they put the cell tower on the corner property and aligned all of that with the intentions of following the plan use and using it as a commercial corner. He tries to do things the right way. He stated there is a ten acre tract that was suppose to be included in the rezoning and will come up at a later date. All that area will turn out to be R-1. They have gone by the Whiley report, which is research that the Army came up with in regards to sound insulation for doors, windows, caulking, etc. He stated the east side is going to grow.

Dr. Eric Mortenson, 4502 NE Pheasant Way, stated he is opposed to this rezoning. He stated right now the intersection of 45th and Cache is two country lanes. They accepted agricultural zoning so that the residents could keep horses and other animals. They were annexed in the city last year because it was easier than trying to form their own water company. All of the residents hope to maintain its rural character as long as possible. They would like to see this stay agricultural or low density residential. They do not want or need a piece of commercial property in the middle of their neighborhood. He felt it would probably cause a diminished resale price of their property. He stated if anyone wanted to start a business, they would not choose that corner because there is virtually no traffic. He stated they are willing to accept the fact that it is all going to be residential. They voiced their objections to the cell phone tower several years ago but their concerns were dismissed because they were not in the city limits. He stated they are now and would like the City Council to be citizen friendly.

Mayor Purcell stated he understands what Dr. Mortenson is saying, but if they don't rezone it C-5 now, it is guaranteed that in the future the City Council will zone that corner commercial. They are creating the same problem as Mr. Warren identified on Cache Road.

Rogalski stated there is the potential to create that same problem, but there are a lot of things going on north and south of 38th and Cache Road. This is very low density and will be residential for the most part, so it is a different situation. He stated they recommended approval because it was shown on the land use plan and they felt that Gore was going to be the major corridor for a long time and since Cache Road does not go all the way through it has some limitations and commercial developers may not want to take that risk.

Warren stated if they go R-1 and it becomes a busy street and someone wants to go commercial there, they have a big problem. It is either going to work or it will not work.

Mayor Purcell stated if they don't do it now, Mr. Ledford may come back in ten years and want to zone it commercial and the City Council will most likely say yes. This makes sense.

Shanklin questioned what the 2025 land use plan designates for the four corners.

Rogalski stated it only addresses two corners because the other two corners were not in the city limits at that time. Both corners show commercial.

Dr. Richard Johnson, resident of Quail Run, stated he owns the property on the northeast corner. He spoke vigorously against this commercial zoning at the CPC meeting. He stated they are bonifide residents of the city of Lawton but he was the only resident to receive notification that the corner was up to be rezoned commercial. He stated they all bought houses because they wanted to be in a semi-rural area of town and this commercial zoning would change the quality of their neighborhood. He feels this would lead to a decrease in property value should he ever want to move. There is an enormous amount of commercial property in a much more heavily traveled area only a mile south on Gore Boulevard. He feels there is also the possibility of illegal activity in such an isolated business location. He stated this is a City Council for the city, not a single developer.

Shanklin questioned if any of these residents commented when the land use plan was developed and these corners were designated as commercial.

Dr. Johnson stated he was not around when the land use plan was developed.

Shanklin stated he doubts that anything will be built out there for eight or ten years. Where is the clientele?

Dr. Johnson stated no one has clarified to them what will be put there or when.

PUBLIC HEARING CLOSED.

Mayor Purcell clarified that there are two resolutions and two ordinances in their packets. One resolution is the staff recommendation that leaves the commercial corner in place. The other is the CPC recommendation which leaves the corner and the whole area as R-1. One ordinance changes it to R-1 and includes the square as C-1. The other ordinance is the recommendation of the CPC which rezones the entire area as R-1. They need to only pass one resolution and one ordinance.

Jackson stated as the City Council representative for the east side, they are going to be developing property and building some homes. He does believe that this piece of property needs to be C-1, which is the most restrictive commercial zoning. He does not want any surprises for those residents in the future when that property will be eventually changed commercial.

MOVED by Jackson, SECOND by Warren, to approve **Resolution No. 06-137**, which is the staff recommendation that leaves the commercial corner in place and **Ordinance 06-56**, which rezones the area to R-1 and rezones the corner to C-1, waive the reading of the ordinance, read the title only. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 06-56

An ordinance changing the zoning classification from the existing classification of A-1 (General Agriculture District) to R-1 (Single-Family Dwelling District) zoning classification on the tract of land located at the NW corner of NE Cache Road and NE 45th Street which is more particularly described in Section One (1) hereof and changing the zoning classification from the existing classification of A-1 (General Agricultural District) to C-1 (Local Commercial District) zoning classification on the tract of land which is at the NW corner of NE Cache Road and NE 45th Street more particularly described in Section Two (2) hereof; authorizing changing to be made upon the official zoning map in accordance with this ordinance.

21. Hold a public hearing and consider an ordinance changing the zoning from C-1 (Local Commercial District) to C-5 (General Commercial District) zoning classification located at 2201-2205 SW B Avenue. Exhibits: Ordinance 06-___, Location Map, Site Plan, Application and CPC Minutes.

Rogalski stated this request includes Lots 14, 15, and 16, Block 7, College View Addition and measures 148' x 183' (0.62 acres). The proposed use is an automobile repair shop to be added to O Reilly Auto Parts.

The zoning of the surrounding area is C-1 to the north, C-5 to the south and west, and R-4 (High Density Apartment District) to the east. The land use of the surrounding area is Strube Plaza (Pinpoint Monograms, Internal Revenue Service, Lawton Xtreme Athletics) to the north; Car Mart and high density residential (under construction) to the south; low density residential to the east; and O Reilly Auto Parts to the west. The current land use of the requested area is vacant. The 2025 Land Use Plan designated these lots as Commercial.

On July 27, 2006 the City Planning Commission held a public hearing on this request. During the public hearing one person spoke in favor of the request, and no one spoke against the request. The CPC, by a vote of 6 - 0, recommended approval of the rezoning.

Jackson questioned if C-1 would work for an auto repair shop.

Rogalski stated no. He stated a C-5 zoning is the least restrictive zoning they can work with.

PUBLIC HEARING OPENED.

Robert Schacher, representing the applicant, stated there was no opposition at the CPC meeting and he requested that the matter be approved.

PUBLIC HEARING CLOSED.

MOVED by Shanklin, SECOND by Shoemate, to approve **Ordinance 06-57** waive the reading of the ordinance, read the title only. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 06-57

An ordinance changing the zoning classification from the existing classification of C-1 (Local Commercial District) to C-5 (General Commercial District) zoning classification on the tract of located at 2201-2205 SW B Avenue and more particularly described in Section One (1) hereof; authorizing changing to be made upon the official zoning map in accordance with this ordinance.

22. Hold a public hearing and consider adopting Ordinance No. 06-___ closing public utility easements on Lots 1, 2, 3, and 4, Block 3, Erwin Acres Addition also known as 2506 NW Cache Road. Exhibits: Application, Location Map, Survey, Ordinance 06-___.

Rogalski stated an application to close public utility easements located at 2506 NW Cache Road has been submitted by Hamra Property Company LLC. The applicant owns Lot 1, 2, 3, and 4, Block 3, Erwin Acres Addition. These public utility easements are located on the south 5 feet of Lot 1, the north 5 feet of Lot 2, the south 5 feet of Lot 3, and the north 5 feet of Lot 4. The applicant is requesting the easements be closed to clear the title so the western portion of Lots 1 thru 4 can be sold. According to the survey, the existing structure on the eastern part of Lot 4 was constructed over the easement in 1983.

All utility companies and the Public Works Department have been advised of the request. There are no public or private utilities located in these easements nor is there any need to retain the easements for future utility placements.

Written notice to property owners within the 300-foot notice area was mailed and proper notice of the hearing was published in the newspaper. No objections to the closure have been received.

Patton questioned if there was a building on that property at one time.

Rogalski stated the building is on the east side. They want to split those lots and do something on the west side.

Vincent stated Mr. Patton is thinking about Locke Supply. It went down to the utility easement and that has been cleared off. The applicant wants to build a parking lot there and his building is going to be on the south side.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Warren, SECOND by Drewry, to approve **Ordinance 06-58** waive the reading of the ordinance, read the title only. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 06-58

An ordinance closing public utility easements located on Lots 1, 2, 3, and 4, in Block 3, Erwin Acres Addition addressed as 2506 NW Cache Road more particularly described in Section One (1) hereof.

23. Consider approving a credit adjustment to utility account #0301480513 for the SW 67th Street Water Association for an undetected, underground leak on their private water line located in the area of 67th and Coombs Road in the amount of \$3,925.80. Exhibits: Notarized statement from Richard Posey dated 7/22/2006, Receipts for repair parts dated 6/28/2006 and Photo of waterline repair at 67th and Coombs Road

Rick Endicott, Finance Director, stated included in the agenda packet was information regarding a leak at 7202 SW Coombs. He stated that Mr. Posey was on vacation and when he returned he did not have any water and learned there was a substantial leak. The leak was fixed quickly and he then filed for an adjustment. Policy requires staff to bring any leak adjustments to the City Council that amount to greater than \$500. Staff recommendation is that this leak was undetectable and they are recommending the cost be adjusted. It did go through the association's meter.

Warren stated the city sells water to the 67th Street Water Association, they in turn sell that water to the individual meter holders. He questioned if this leak was between the association's meter and Mr. Posey's meter.

Endicott stated it registered on the master meter and did not register on Mr. Posey's meter.

Warren stated it is no one's responsibility except the entity that we sold the water. The whole point in being a water association is that they have formed an entity that repairs and upkeeps lines, hydrants and whatever happens to be within that water association. He suggested they need to look at this because he does not believe the citizens of Lawton should be paying this bill. He stated if a main broke out there, we would not have a City of Lawton truck out there fixing that line. That is their responsibility. The fact that there is a leak is not the fault of the citizens of Lawton. That is part of the deal of having a water association.

Vincent stated under the contract they are responsible for everything past the master meter.

Warren stated this adjustment policy was initially intended for residential customers.

Endicott stated they have done this in the past for Medicine Park and others, but the problem goes back to what the code allows and the responsibility of the City of Lawton.

Warren stated it seems that Mr. Posey got put on the spot with this deal. He is just a part of that entity, it is not his problem alone, it is a problem of the association. It seems that they put him out there in front to make it appear that this is his problem and he owes this money if the citizens of Lawton don't pay it. He does not think that is true. The leak was between his meter and the master meter. That makes it everyone in that association's problem.

Richard Posey stated there are 5 or 7 people who are actively living there. He stated they are not an association that buys water and resells it. They are actually within the city limits and they contracted it back in the late 80's to put in a private water line so they could build homes. There is no water per profit.

Warren stated the theory is that there is a master meter and then it is resold to a group of houses.

Mr. Posey stated they each get individual bills and when the master meter does not match all the individual bills, the association has a fund that pays the difference.

Shanklin questioned the distance from Mr. Posey's meter to the master meter.

Mr. Posey stated it is close to 2 miles.

Shanklin stated someone should be reading the master meter a little more often to understand that there is something wrong someplace when that much water goes through there.

Endicott stated normally the master meter is around 2,000 - 3,000 gallons in overage, not in the 100,000's. They do read it.

Mayor Purcell stated that Mr. Posey stated they were all in the city limits and all have separate meters. If the city reads all their meters, why is there a master meter or a water association?

Vincent stated at the time that this was done, the water association was put in prior to this area being annexed into the city limits. The private water lines are not in city easements. They did annex that property in three years ago. They have not talked with the owners of this association but have put them in touch with some potential developers to see if they could work out some solution because there will have to be a 12 line put down 67th and they will recommend that these people abandon their private lines.

Mayor Purcell clarified that the reason they don't take the meter out is because the lines from the master meter are on private property. That is why they keep the water association.

Warren stated he was not aware they were reading all the meters.

Vincent stated there are about 15 or 20 that they actually go out and read the individual meters. They are trying to get away from that with new contracts.

Mayor Purcell stated this is another example that they need to come back with something that is consistent. He stated the policy right now is that they look at all undetected leaks, no matter where they are. He stated if a rural water association comes before the City Council right now, they would get an adjustment. There is no consistency. He questioned if they needed to look at this policy.

Warren stated he would like to bring it back and decide if they are going to do it inside or outside of town.

Shoemate stated when his water broke at his cabin it costs him \$4,000. He did not get an adjustment from the City of Lawton and he shouldn't have,

that is not our responsibility.

Mayor Purcell stated under the ordinance right now, they could have come and asked for an adjustment.

Jackson stated the guidelines needs to be that the recommendation from the staff is that you are inside the city limits we would pay it and if you are outside the city limits we won't.

Mayor Purcell stated they need to look at the issue and decide what the City Council wants to do.

Vincent suggested he bring the code provision back and they can have an open discussion.

Mayor Purcell questioned if this City Council would like to bring this issue back.

Everyone agreed.

Drewry stated they are very fortunate that Mrs. Posey got in her car and drove the area to find the leak.

Shanklin stated they have water running down the street because of breaks. He stated the Posey's did not steal this water and he thinks the staff is right in recommending this adjustment.

MOVED by Shanklin, SECOND by Givens, to approve a credit adjustment to the SW 67th Street Water Association in the amount of \$3,925.80. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

24. Receive the annual report from Lawton-Fort Sill Chamber of Commerce & Industry regarding all Hotel/Motel Tax Funded Activities for fiscal year 2006, discuss and take appropriate action as deemed necessary. Exhibits: Letter of request from Dana Davis dated August 3, 2006

Mitchell stated the development agreement with the Chamber requires that they provide an annual report.

Chamber staff distributed the annual report packets.

Dana Davis, President and CEO of the Lawton Fort Sill Chamber of Commerce, stated in the tourism area, they continue to advertise and market this area as a destination for visitors. They also attended four travel shows in the past year in Texas and Kansas. They continue to promote the Discovery Trail which promotes the top five attractions. They have also placed a bus wrap on one of the LATS buses. He stated that they hosted four state ASA softball tournaments in Lawton this past year. The Wichita Mountain Classic attracted participants from eleven states this year and showed over 600 head of cattle. In areas of military and government affairs they have hosted hails and farewells for those individuals in military top leadership positions at Fort Sill. BRAC continues to be implemented. A trip to El Paso was made with the Mayor and many leaders in the community to talk about important issues with the civilian employees. The Coop program continues to be active and they continue to develop new relationships and get new businesses involved with the soldiers at Fort Sill. Bob Milner has taken over as chairman of the legislative affairs committee and they continue to host the legislative breakfast. They continue to present areas of concern to the local legislators. The 11th annual legislative reception was held in Oklahoma City and had over 250 participants. In March they hosted the annual Washington, D.C. trip where they were pleased to have Council members Patton and Drewry participate. In the area of economic development, they have submitted numerous proposals through the Oklahoma Department of Commerce, directly to site location consultants and directly to companies. They have received two federal grants to research the economic growth potential of the defense contract industry and also to look at the education and training needs. He stated a summary of the long range strategic plan and the actions to date are included in the packets. They focused upon the defense industry and Homeland Security. He stated they are also working on additional jet service for the Lawton regional airport. They have received a grant. They are pursuing Delta Airlines because they feel they are the best choice for the Lawton community. They are also pursuing other carriers. They continue to facilitate meetings with the federal government and representatives from the local communities and interested individuals on the Fort Sill buffer zone project. He stated the downtown redevelopment project that is part of the LASER project continues to move forward. The City Council will be asked to take a lot of action as it relates to downtown development. The project is moving forward with many partners involved.

The Mayor and Council took a recess at 8:20 p.m. and reconvened in open session at 8:27 p.m. Roll call reflected all members present.

25. Consider approving a memorandum of understanding with Southwest Oklahoma 2-1-1. Exhibits: The Southwest Oklahoma 2-1-1 Memorandum of Understanding and Memo from Emergency Management Coordinator/Emergency Communications Supervisor Derrell Morgan.

Derrell Morgan, Emergency Communications Supervisor, stated 211 provides an information referral service. During a disaster, that information referral service can also direct volunteers and give information to the citizens related to shelters, food and medication. He stated with the Memorandum of Understanding, Edwyna Scott, the 211 Director, would come to the emergency operations center and help them out. It is a win/win situation for everyone.

Jackson questioned if the 211 system would be located with the 911 system or would it be separate.

Morgan stated it will be a separate, independent system with a separate location.

Mayor Purcell stated that persons from the 211 system would move around to the emergency operations center, or wherever it locates.

Morgan stated this will take a lot of those informational calls that come to 911. They can put out through the news media that questions can be answered by 211. He stated on a day to day basis they help people by referring their needs to a certain service. He stated this is not currently up and running. He stated the next item deals with a request for funding so that they can match it with state and county funding so they can get their infrastructure up and running in the Comanche County area.

Mayor Purcell stated this is a national program that is coming up all over the country.

Edwyna Scott, 211 Director, stated in Oklahoma there are currently three 211 call centers in Ada, Oklahoma City and Tulsa. Lawton has been asked to take the Southwest corner of the state which includes 10 counties. She stated they have a chance to get state funding, but they have to show local support before they can get that funding. They have asked each county for an amount which equals .06 per person. The state money is at .14 per person.

Warren questioned if the calls that will come in to 211 will fall under the legal umbrella of the City of Lawton.

Vincent stated the actual 211 telephone will not be in our building. At some point if we have a major disaster and emergency operations, we may activate a 211 in the EOC.

MOVED by Drewry, SECOND by Jackson, to approve and authorize the Mayor to sign the memorandum of understanding with the United Way of Lawton-Fort Sill Helpline/Southwest Oklahoma 2-1-1. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

26. Consider approving a request for funds to support the Southwest Oklahoma 2-1-1. Exhibits: An information packet provided by Southwest

Oklahoma 2-1-1 and Memo from Emergency Management Coordinator/Emergency Communications Supervisor Derrell Morgan.

MOVED by Givens, SECOND by Warren, to approve and authorize the payment of \$6,000 to the United Way of Lawton-Fort Sill for the Helpline/Southwest Oklahoma 2-1-1 project. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

27. Consider waiving and if waived, reconsider an amendment to Council Policy 1-1, Employee Travel, directing the City Manager to provide a monthly report of overnight out of town travel by all employees, and take appropriate action. Exhibits: None.

Drewry stated she brought this back because after consideration she felt that this was not a necessary report.

Mayor Purcell stated before they discuss this item, they need to make a motion to waive the City Council policy.

MOVED by Drewry, SECOND by Givens, to waive Council Policy 1-6. AYE: Patton, Warren, Shoemate, Givens, Drewry. NAY: Jackson, Shanklin, Haywood. MOTION CARRIED.

Drewry stated she feels this is time that can be better spent doing other work. This information is an open record and anyone can see this travel information. The requests for travel has to be approved by several people and she feels it is not necessary.

Shanklin questioned what has Ms. Drewry learned since the last meeting that makes her feel that this is not necessary.

Drewry stated this information is an open record. Anyone can go look at any of the travel that has been requested. She stated the supervisors approve the requests along with the City Manager.

Shanklin stated he doubted if the City Manager even sees the requests.

Mitchell stated if the request is for out of town, overnight and out of state he approves all those requests.

Shanklin stated these requests total \$211,000. He stated he is not going to look at the report, but he would like to see where the department directors, City Manager and Mayor go. He stated the City Council travel only comes to \$18,000.

Jackson stated knowing that the travel budget is over \$200,000, he has been asked by the public where all this money has been spent on travel. He stated he did not know. He now knows that he can find this out through open records and he plans on doing this. He feels this is information that should be made public. He stated they get reports each month on less important information.

Drewry stated she does not believe any of this information is hidden. If anyone wants to see it they can.

Jackson stated to him it is hidden if there is a group fighting against making this public.

Mayor Purcell stated he has a problem with the amount of time it takes to prepare this report. He stated staff is going to have to keep track of this and someone is going to have to put together a spread sheet and track this information. He feels that staff can make better use of their time than working on this report. He stated there is no reason why the City Manager and Assistant City Manager can't email the City Council when they are scheduled to travel. He stated the Manager currently gives the City Council a memo that says he is out of town.

Shanklin questioned how long this has been going on.

Mayor Purcell stated it has been going on for ages. Now he is sending emails to everyone.

Shanklin stated he is being left out of the loop.

Mitchell stated he currently sends out an email and puts a memo in Council boxes.

Warren stated that \$200,000 sounds like a lot of money, but if we are worried about that money why aren't we worried about all the money going towards fuel. That is a larger number in the budget. He stated he always knows when the City Manager or the Mayor is gone.

Shanklin stated he went to the City Attorney six months ago and asked why the City Council was not telling the City Manager that he needs to tell them whenever he is gone and who is in charge. He stated he does not get this information.

Shoemate stated he gets phone calls and emails from the City Manager on a regular basis.

Mitchell stated the only thing this monthly report will give the City Council that they didn't already get in the budget is the name of the person who actually traveled. He stated he can provide the Council with a copy of his weekly calendar.

Haywood stated he feels that the City Manager needs to travel out of town and network with others.

Jackson stated some people have made this a big issue and it was not intended that way. He just wanted to know where and how much money was being spent on overnight travel. He stated the City Council is perceived to be the board of directors for the city of Lawton and the overseer for taxpayer money. It is their duty to pay attention to where the money is going.

Mayor Purcell stated they used to get a claims list of what was paid every single week. The City Council decided they did not want that anymore.

Endicott stated the claims list is available to anyone in the City Clerk's office.

Mayor Purcell suggested that claims list be provided to Council member Jackson.

Endicott stated they will place the list in Mr. Jackson's box.

MOVED by Drewry, SECOND by Warren, to rescind directive to staff to produce a report on out of town travel and provide a weekly claims list to Councilmember Jackson. AYE: Patton, Warren, Shoemate, Givens, Drewry. NAY: Haywood, Jackson. ABSTAIN: Shanklin. MOTION CARRIED.

28. Consider an ordinance amending Section 19A-1-2-122, Division 19A-1-2, Article 19A-1, Chapter 19, Lawton City Code, 2005, by adding the definition of Common Plan of Development and a less than one acre tract of land, providing for severability, and declaring an emergency. Exhibits: Ordinance 2006-__.

Vincent stated staff was directed to come up with a further amendment to the Chapter 19 stormwater and define what common plan of development is and a definition of tracts less than one acre. He stated staff met with developers and this was actually their language.

Shanklin questioned how this came up.

Vincent stated the only change is the definition of a less than one acre tract and what is meant by the term common plan of development. He stated when Charlie Wright was at a previous Council meeting they discussed adjacent lots and how they could develop multiple adjacent lots of less than one acre and end up with a major problem. He wanted to give Mr. Wright credit for coming up with the issue of contiguous lots. They were using 38th and Cache Road as an example.

Patton stated they are basically saying that if there are two different developers on two different pieces of property and they are going to share a parking area that is considered contiguous.

Shanklin questioned where it deals with a barrier.

Vincent stated if they put a barrier between the two lots, it will be treated as separate. It has to be sufficient to prevent vehicles from traveling from one parking area to the other. They will leave it up to the developer and his design to do that. He stated they are looking at Gore Boulevard where Fin s and Critters and Ramons is located.

Shanklin questioned if it should be one acre or less or less than an acre.

Vincent stated the federal law controls one acre or more, so it has to be less than one acre.

MOVED by Warren, SECOND by Drewry, to approve **Ordinance 06-59** waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 06-59

An ordinance pertaining to stormwater detention amending section 19A-1-2-122, Division 19A-1-2, Article 19A-1, Chapter 19, Lawton City Code, 2005, by adding the definition of common plan of development and a tract, providing for severability, and declaring an emergency.

29. Consider an ordinance amending Section 22-4-1-403, Division 22-4-1, Article 22-4, Chapter 22, Lawton City Code, 2005, by clarifying the types of refuse containers authorized and the maintenance requirements associated therewith, providing for severability and declaring an emergency. Exhibits: Ordinance 2006-__.

Shanklin questioned why this should be an emergency.

Vincent stated it doesn't have to be. He stated there was a citizen who appeared before the City Council two meetings ago complaining about receiving a ticket because of where she had her trash cans stored. The City Council asked staff to look into that ordinance and they discovered that it required some major revisions not only to adjust the citizens request for getting a ticket for storing her trash cans but also to deal with plastic bags as they relate to our new city furnished containers and how they had to be set out on the street. Since there is a current ordinance on the books, he feels they need to address this as an emergency so staff is not out giving tickets to those like that citizen.

Patton clarified that this citizen had her trash containers under a car port.

Vincent stated yes and this change will allow this. He stated there needs to be a correction made in section one, page one of the ordinance. The word may is stricken through. That word needs to stay in the ordinance. Two lines down the word but needs to be removed. He requested City Council made those amendments in the motion.

Warren stated that some homes have pick up where they have to carry the trash out to the front of the yard. As this ordinance reads, those trash cans have to be stored beside the house in a non fenced area. He questioned why we would care if they had a holder for the containers.

Vincent stated the fenced area relates to those persons that have house side pick up.

Warren stated it does not make a distinction between house side and street pick up.

Vincent stated it is suppose to.

Givens suggested they table this item.

Mayor Purcell stated that the way this is written, even if a resident has the new trash container, you could still put out plastic bags. This is another thing that needs to be looked at.

Vincent stated he disagrees with the Mayor's interpretation.

Warren stated he still has a problem with 3.a which states that containers have to be maintained on the side of the house for either street or house side service. This would mean that he couldn't have a fence.

Vincent stated staff will need to rewrite this ordinance and bring it back.

Warren stated they really shouldn't care about racks, except for alley service.

Shanklin stated the longevity of a trash can depends on what you put in it. He stated he cannot keep a lid. The alleyways are looking bad because they are not picking up furniture. He stated if he did not generate it, he is not hauling it off. He questioned who was responsible for hauling this off. He stated people are also going through the garbage.

Vincent stated if it is in the alleyway the city should pick it up, if it is on private property, it is the property owners responsibility. An alleyway is common property of the city.

Mitchell questioned if he put something out on the city right of way he is no longer responsible.

Vincent stated they have said that the property owner abutting the street right of way is responsible. He can find nothing where they have said that about alleys.

Jackson stated they are nearing a fall clean up period.

Shanklin stated that will help.

Shoemate stated in Duncan they use the same type of trash container, but they also allow pick up plastic bags. In addition, if you have mattresses that

need to be dumped, you call city hall and they send out a special truck, twice a week to pick up these types of items.

Mayor Purcell stated that Duncan has a contract with a commercial hauler, but it costs them big bucks.

Drewry questioned how Fort Sill deals with these larger items.

COL Uberti stated they try to deal with this during the spring and fall clean ups. With the high turnover of people during the moving season they ask that those residents request special pick ups or they take these items to the landfill themselves.

MOVED by Givens, SECOND by Jackson, to table this item and bring it back the first meeting in November. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

30. Consider an ordinance amending Section 22-4-1-415, Division 22-4-1, Article 22-4, Chapter 22, Lawton City Code, 2005, by adding a third area to be serviced by the semi-automated refuse collection, providing for severability and declaring an emergency. Exhibits: Ordinance 2006-___.

Vincent stated there is a correction to be made on #3. It should read SW 11th Street and SW 6th Street. He stated the carts have been delivered for this area.

Mayor Purcell questioned if we were enforcing the issue of having the lids closed on the new containers. He stated he drove through an area today where there was trash sticking out of the containers and animals had gotten into the garbage.

Ihler stated they are not enforcing this violation as well as they should.

Jackson stated he felt they were enforcing it very tightly at the beginning, but now things have eased off.

Givens stated they need to look at paragraph #1. There are four errors.

MOVED by Haywood, SECOND by Warren, to approve **Ordinance 06-60** as amended, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 06-60

An ordinance pertaining to utilities amending section 22-4-1-415, Division 22-4-1, Article 22-4, Chapter 22, Lawton City Code, 2005, by adding a third area to be serviced by the semi-automated refuse collection, providing for severability, declaring an emergency.

31. Consider ordinance amending Section 22-2-2-221; 22-3-14-390 and 22-3-14-395, Divisions 22-2-2 and 22-3-14, Articles 22-2 and 22-3, Chapter 22, Lawton City Code, 2005, by providing for use of the funds collected and combining the memberships of the oversight committee, providing for severability and declaring an emergency. Exhibits: Ordinance 2006-___.

Vincent stated staff was asked to look into the impact fee situation and whether or not the impact fees collected for sewer could be combined with the impact fees collected for water to fund one project. The way the ordinance is currently written, water fees can only be used for water projects and sewer fees can only be used for sewer project. They also had created two separate committees with the same membership criteria. They were asked to look at allowing one committee to recommend projects for fees for both sewer and water and to allow for the combination of the sewer impact fees with the water impact fees for either a sewer or water project.

Mayor Purcell stated there is now \$260,000 in that fund, and he has contacted several people who have agreed to serve on this committee. He will get those names to the council at the next meeting for approval. He stated Steve Barnes has agreed to serve as the representative from the Home Builders Association. He is waiting on a recommendation from the Chamber. Ron Nance has agreed to serve as the representative for the developers and Brian Henry has agreed to serve as the representative from a financial institution. He requested two volunteers to serve as council representatives.

Warren agreed to serve.

Jackson agreed to serve.

MOVED by Patton, SECOND by Warren, to approve **Ordinance 06-61**, waive the reading of the ordinance, read the title only and declaring an emergency. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 06-61

An ordinance pertaining to utilities amending Sections 22-2-2-221; 22-3-14-390 and 22-3-14-395, Divisions 22-2-2 and 22-3-14, Articles 22-2 and 22-3, Chapter 22, Lawton City Code, 2005, by providing for the use of the funds collected and combining the memberships of the oversight committee, providing for severability, and declaring an emergency.

32. Consider an ordinance creating Sections 7-30-1-3001, 3002, 3003, 3004 and 3005, Division 7-30-1, Article 7-30, Chapter 7, Lawton City Code, 2005, establishing definitions, requirements for City permit, state license and zoning, and penalties for body piercing and tattooing, providing for severability, codification and establishing an effective date of November 1, 2006. Exhibits: Ordinance 2006-___.

Vincent stated the state legislature passed a statute regulating tattooing and body piercing within the State of Oklahoma effective November 1, 2006. Staff has been asked how the city will handle this. The state law allows cities to come up with licensing guidelines that differ from the state statute. He stated this ordinance mirrors state law except it shortens the application requirements in that if they have a state license, they can get a city license. This gives the police the authority to regulate the establishments and the license and permit division will issue the license so we know the location of the establishments and who is running them.

Shanklin questioned who established the fees.

Vincent stated the fees in the next agenda item are approximately half of the state fees.

Warren stated we have regulated this to the point that it is under the same criteria as a massage parlor or a bar that has semi-nude dancers. He wanted to make sure everyone understood this.

Vincent stated they would be permitted to go in C-5 and industrial zoning areas as long as they met the distance requirements which are basically the same as the adult businesses. He stated that currently under Chapter 7, the City of Lawton prohibits tattooing and body piercing, with the exception of ears. If the City Council approves this ordinance before November 1st, we will be bringing back a repealer of that section, because it is still valid until November 1st.

Warren clarified that it is still illegal until November 1st.

MOVED by Drewry, SECOND by Warren, to approve **Ordinance 06-62** as amended, waive the reading of the ordinance and read the title only. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 06-62

An ordinance pertaining to business creating Sections 7-30-1-3001, 3002, 3003, 3004 and 3005, division 7-30-1, Article 7-30, Chapter 7, Lawton City Code, 2005, by establishing definitions, requirements for city permit, state license and zoning, and penalties for body piercing and tattooing, providing for severability, codification, and establishing an effective date of November 1, 2006.

33. Consider approving a Resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 2005, to establish fees for tattoos and establish an effective date of November 1, 2006. Exhibits: Resolution 06-____.

Jackson stated he realizes that there needs to be fees for these businesses, but the state legislature has determined that these are legitimate businesses in the State of Oklahoma. He feels that the fees and certifications are outrageous. He would suggest that they reduce those fees.

Warren clarified that as it is written, if someone comes in and applies for a license, it will cost them \$150 for a local license, on top of what the state will charge.

Vincent stated that is correct. When the state gets an application from an individual, the state will send us the application to verify the zoning and distances. We do not get any of the state money. The state is getting \$300 for the application.

Jackson stated the local pawnbroker's license is only \$50 and the metal dealers are \$75. He thinks \$150 is just too much. He would like to adjust the application for certification to \$25, \$20 for the annual renewal, \$25 for reinstatement and \$25 for replacement.

Givens stated this will not even cover the processing fee.

Jackson stated this should just cover what it takes for staff to handle the application. We should not be making a profit.

Patton stated daycares are the same and they are paying \$75.

Jackson stated he would not object taking it to the same as the pawnbrokers which is \$50.

Mayor Purcell stated they all agree that they need to change some fees. He questioned what amount they want to set.

Jackson stated he would recommend they change all four fees to \$50 a piece.

Greg Buckley, department head for Community Services, stated the actual fees across the board are low. The \$150 is going to be more representative of the cost to process the application which entails checking the zoning, processing the paperwork, maintaining the file and maintaining the annual renewal. When all this is combined, \$150 is not unreasonable. The other fees including day care and pawnbroker fees have not been raised in several years.

Jackson stated that most of the businesses are mom and pop operated businesses that have to pay all of these annual licenses, sales tax and social security. It is hard to do business nowadays. He stated \$150 is too much for a small business person.

Warren questioned if staff has to check all this stuff for the state.

Mitchell stated we have to do this under state law.

Vincent stated there are several areas where we do inspection and fill out paperwork for the State of Oklahoma when applications are made at the state level.

MOVED by Jackson, SECOND by Warren, to adopt **Resolution 06-138** and make all fees across the board of \$50. AYE: Givens, Drewry, Jackson, Shanklin, Haywood, Warren, Shoemate. NAY: Patton. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Drewry stated that Dan Mullins is once again underwriting an event to raise money for the Boys and Girls Club. It will be a concert given by Edgar Cruz on September 26th at McMahon Auditorium. Tickets are \$20.

Jackson stated he does not understand why the citizens of Lawton have to pay \$2.88 a gallon for gasoline when Oklahoma City sells it for \$2.73. He used to agree with the excuse of it costing more because of transportation, but that can't cost .15 more.

Shanklin questioned what happened with the prairie dog situation.

Mitchell stated he just received a report and he will forward it on to the council.

Warren stated they had previously talked about rezoning the SE corner of 38th and Cache Road. During that discussion the council included the NE corner of that intersection. He stated he never really thought they would rezone that corner, but he made that suggestion because he felt like there needed to be some discussion with the people that own the property in that general area. He stated in the future the north side is going to be in the same situation as the south portion is. Those people need to decide what needs to happen and in what order it will happen. It is not going to stay residential housing for the next twenty years. The dialogue has been opened and discussion has taken place in that community.

Givens stated direction was given to staff to look into this rezoning. He questioned if they need to take that direction back.

Warren stated he does not have a problem with rescinding that direction.

Mayor Purcell stated there is a consensus that the direction be taken back and no notices will be sent to anyone living on the north side of Cache Road between 34th & 38th.

Mitchell stated the United Way campaign has just been completed and the City of Lawton increased their contributions by over 11%. They have topped the \$60,000 mark for the campaign. He thanked Sue Smith for chairing the campaign. He thanked Jill Baker for putting together the city picnic. Over 300 employees attended.

Mayor Purcell reminded everyone of a BRAC breakfast on Thursday at 7:00 a.m. at the Patriot Club.

The Mayor and Council convened in executive session at 9:48 p.m.

Givens left at 9:56 p.m.

The Mayor and Council reconvened in regular, open session at 10:50 p.m. Roll call reflected all members present excluding Givens.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

34. Pursuant to Section 307C10, Title 25, Oklahoma Statutes, consider convening in executive session to discuss an economic development prospect to be located within the City of Lawton, and if necessary, take appropriate action in open session. Exhibits: None.

Vincent read the title of item 34 shown above. The Council was briefed on an economic development prospect to be located within the city of Lawton. No action is required.

35. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the evaluation review of Michael Corrales, Municipal Judge, and if necessary, take appropriate action in open session. Exhibits: None

Mayor Purcell read the title of item 40 shown above. He stated the evaluation will continue at the next meeting. No action is required.

There being no further business to consider, the meeting adjourned at 10:51 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK